

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

CHRIS UMBERGER,

Petitioner,

Civil Action No. 15-1470

Chief Magistrate Judge Maureen P. Kelly

v.

ALLEGHENY COUNTY and COMMON  
PLEA'S J MANNING,

Respondents.

**ORDER ADOPTING REPORT AND RECOMMENDATION**

AND NOW, this 28<sup>th</sup> day of January, 2016, after Petitioner Chris Umberger filed a writ of mandamus in the above-captioned matter, and after a Report and Recommendation was filed by Chief United States Magistrate Judge Maureen P. Kelly giving the parties until January 25, 2016 to file written objections thereto, and upon consideration of the Objections filed by Petitioner, and upon independent review of the record, and upon consideration of the Magistrate Judge's Report and Recommendation, which is ADOPTED as the opinion of this Court,

IT IS HEREBY ORDERED that the writ of mandamus, ECF No. 3, is DISMISSED pre-service as legally frivolous. The Clerk of Court shall mark this CASE CLOSED.

IT IS FURTHER ORDERED that, pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, if any party wishes to appeal from this Order a notice of appeal, as provided in Fed. R. App. P. 3, must be filed with the Clerk of Court, United States District Court, at 700 Grant Street, Room 3110, Pittsburgh, PA 15219, within thirty (30) days.

By the Court:

/s/Nora Barry Fischer  
United States District Judge

cc: Honorable Maureen P. Kelly  
Chief United States Magistrate Judge

Chris Umberger  
SWVRJ 10708138  
PO Box 535  
Jaysi, VA 24256-0535